

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JERRY BIRD,

No. 3:18-CV-01856-YY

Petitioner,

ORDER

v.

OREGON COMMISSION FOR THE BLIND,  
an agency of the STATE OF OREGON, and  
THE UNITED STATES DEPARTMENT OF  
EDUCATION, REHABILITATION  
SERVICES ADMINISTRATION,

Respondents.

HERNÁNDEZ, District Judge:

Magistrate Judge You issued a Findings and Recommendation [48] on July 12, 2020 in which she recommends that Petitioner's assignments of error contained in his Opening Brief [43] be granted in part and denied in part. Respondent Oregon Commission for the Blind (OSB) filed timely objections to the Findings and Recommendation. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the

Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

The Court has carefully considered Respondent's objections and concludes that the objections do not provide a basis to modify the recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings and Recommendation.

## CONCLUSION

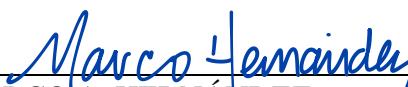
The Court adopts Magistrate Judge You's Findings and Recommendation [48]. Petitioner's assignments of error contained in his Opening Brief [43] are GRANTED IN PART and DENIED IN PART as follows:

Assignments of error 1 and 2 are GRANTED in that: The arbitration panel's compensatory damages award should be modified to \$83,040.00. Interest on the monthly compensatory damages should be assessed at 2.36 percent for a total of \$10,632.47. Interest on the total award should be assessed at 2.36 percent until judgment is entered in this case, after which interest should be assessed pursuant to 28 U.S.C. § 1961.

Petitioner has withdrawn assignment of error 3. Petitioner's remaining assignments of error, 4 through 8, are DENIED.

IT IS SO ORDERED.

DATED: October 2, 2020.

  
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MARCO A. HERNÁNDEZ  
United States District Judge